



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR ACCEPTANCE OF LATE PAYMENT OF ISSUE FEE DUE TO
PTO ERROR**

APPLICANTS: Bruder et al. CONFIRMATION NO. 6626
SERIAL NO.: 10/074,145 GROUP ART UNIT: 2623
FILED: February 12, 2002 EXAMINER: Abolfazl Tabatabai
TITLE: METHOD AND APPARATUS FOR SPIRAL SCAN COMPUTED
TOMOGRAPHY

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

A Notice of Allowance was issued for the above-referenced application on January 4, 2006, but as supported by the Declaration of Lynn Weidenfeller submitted herewith, was never received by Applicants' representatives. As best can be ascertained from the electronic file in PAIR, the procedure set forth in MPEP §707.13 was not followed by the Patent and Trademark Office, and therefore the non-receipt of the Notice of Allowance is due to an error on the part of the Patent and Trademark Office, and therefore no fee for accepting late payment of the Issue Fee is necessary.

As can best be ascertained from PAIR, the Notice of Allowance was mailed on the indicated date of January 4, 2006, and had the correct address for Applicants' representative thereon, but on January 30, 2006 was returned to the PTO as undelivered. The electronic file for this application in PAIR contains a copy of the envelope that was apparently used to mail the Notice of Allowance, and it has an "Insufficient Address" stamp thereon from the USPS. It is possible the Notice of Allowance was folded incorrectly so that the address did not properly appear in the

window of the envelope. In any event, upon receipt of this undelivered mail, there is no indication in PAIR that the Patent Office made any efforts, as required by MPEP §707.13, to resend the Notice of Allowance. If this had been done, either the second attempt at mailing would have been successful or, if unsuccessful, according to MPEP §707.13, a Notice of Abandonment should then have been mailed, or at least the application should have been indicated in PAIR as being abandoned.

Neither of these actions were taken, and the status of the application in PAIR is not "abandoned" but is "Notice of Allowance Mailed - Application Received in Office of Publications."

Moreover, in the transaction history, there are two entries following the mailing of the Notice of Allowance on January 4, 2006, namely the case being docketed to the Examiner on March 21, 2006 and, inexplicably, a correspondence address change that is dated more than a year before the Notice of Allowance was mailed. Applicants' representatives have not filed any correspondence address change, because none is necessary.

All of these errors that are readily apparent from PAIR are evidence supporting the non-receipt of the Notice of Allowance by Applicants' representatives. This is further substantiated by the aforementioned Declaration of Lynn Weidenfeller submitted herewith, which shows that all of the locations in the records maintained by Applicants' representatives, at which an entry would have been made if the Notice of Allowance had been received, have no entry therein.

The Notice of Allowance required submission of a new set of drawings, which is submitted herewith. Also submitted herewith is the Issue Fee Transmittal Form, which Applicants' representative has not received but has printed out from the PAIR



file, accompanied by a check for the Issue Fee in the amount of \$1,400.00 and a check for the Publication Fee in the amount of \$300.00.

All items necessary for allowance of the application have therefore been satisfied, and acceptance of this late payment is respectfully requested.

In view of the above evidence, this late payment of the Issue Fee was unavoidable, and occurred through no fault of the Applicants or their representatives.

In view of the substantial evidence that this late payment was necessitated solely due to error on the part of the Patent and Trademark Office, no fee is seen to be necessary for accepting this late payment of the Issue Fee. Nevertheless, if the PTO determines that an additional fee is necessary, the Commissioner is authorized to charge any additional fees which may be required to Deposit Account No. 501519. A duplicate copy of this sheet is enclosed.

Submitted by,

Steven H. Noll (Reg. 28,982)

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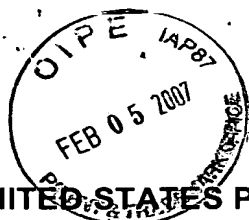
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 2, 2007.

Steven H. Noll

STEVEN H. NOLL

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUBMISSION OF FORMAL DRAWINGS

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Applicants herewith submit twelve sheets (Figs. 1-21) of formal drawings for the above application. The drawings correct the informalities indicated on Form PTO - 948, that was attached to the Notice of Allowability. The enclosed drawings conform in all respects to the requirements of 37 C.F.R. §1.84.

Submitted by,

Steven H. Noll

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